S.B. Civil Misc. Appeal No.1048/2006

Ashok Kumar.
vs.
Sunil Kumar and others.

Date : 1.8.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. MS Singhvi, for the appellant.

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Heard the learned counsel for the appellant.

The grievance of the appellant is that an ad-interim order has been passed by the court below despite the fact that for the same relief, a writ petition no.1706/2006 has been filed by Smt. Gayatri Devi and in that writ petition, no interim order was passed by this Court. It is also submitted that the interim order was passed by the court below on 2.6.2006 despite the fact that on that day, the defendants no.1 and 4 were not served. After interim order was passed, the court below gave a long date i.e. 15.7.2006 and thereafter, the matter is adjourned from time to time.

Learned counsel for the appellant submits that the Hon'ble Apex Court in the case of A. Venkatasubbiah Naidu vs. S. Chellappan and others reported in (2000) 7 SCC 695 held that in case, interim orders are passed, then such applications should be decided within one month.

It will not serve any purpose by issuing notice to the respondents in this appeal because of the reason that this Court is not entertaining the appeal for the time being as the grievance of the appellant is against the interim order and the purpose can be served by directing the court below to decide the injunction application within a period of thirty days. In case any reason exists for adjourning the case on 2.8.2006, then that adjournment shall not be given beyond more than one week.

Accordingly, this appeal is disposed of with the directions to the court below as mentioned above.

(PRAKASH TATIA), J.

S.Phophaliya